

REMARKS

Claims 1-20 are pending in the instant application with claims 1, 4, 5, 12, and 13 amended herein. No new matter is added by these amendments

In the office action, claims 1-6, 8, and 11-20 are rejected under 35 U.S.C. 103(a) as unpatentable over United States Patent No. 5,835,087 to Herz in view of United States Patent No. 5,946,664 to Ebisawa. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz and Ebisawa in view of United States Patent No. 6,385,596 to Wiser. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz and Ebisawa in view of United States Patent No. 7,146,567 to Duczmal.

In the office action, the Examiner has take official notice that it is well known to count the number of times that a user clicks on an advertisement a so-called "click-through".

It has been previously argued and again stated herein that the present invention does not include the use of a click-through count. As best understood a click-through is a what is counted by a sponsoring site and results from a view of the site clicking on the advertisement.

In contrast, in the present invention, as recited in for example claim 1, the advertiser is billed for advertising fees calculated based on the number of times of updating a transmission record for the retrieved advertising information. The updating of a transmission record is not caused by a click-through, but rather is caused by the activation of digital content. Accordingly, claim 1 does not recite a click-through as alleged by the Examiner. Accordingly, claim 1 patentably distinguishes over the relied upon portions of the cited reference and the official notice.

Claims 2, 3, and 14 depend from claim 1 and are therefore allowable for at least the same reasons as claim 1 is allowable.

Claims 4, 5, 12, and 13 include features similar to those discussed above in regard to claims 1 and 2, and therefore, for at least the same reasons claims 1 and 2 are allowable, claims 4, 5, 12, and 13 are also allowable.

Claims 6-11 and 15-20 depend from one of claims 4, 5, 12, and 13, and are therefore allowable for at least the same reasons as their respective base claims are allowable.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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